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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/239,013	01/29/1999	YOICHI TAKARAGI	35.G2349	5593

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EXAMINER

AHMED, SAMIR ANWAR

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 05/22/2002

11

Please find below and/or attached an Office communication concerning this application or proceeding.



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09/239013

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Below is a communication from the EXAMINER in charge of this application
COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

☐ THE PERIOD FOR RESPONSE:

- a) ☐ is extended to run _____ or continues to run _____ from the date of the final rejection
- b) ☐ expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

☒ Appellant's Brief is due in accordance with 37 CFR 1.192(a).

☐ Applicant's response to the final rejection, filed _____ has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. ☐ The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:

- a. ☐ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
- b. ☐ They raise new issues that would require further consideration and/or search. (See Note).
- c. ☐ They raise the issue of new matter. (See Note).
- d. ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- e. ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____

2. ☐ Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.

3. ☐ Upon the filing an appeal, the proposed amendment ☐ will be entered ☐ will not be entered and the status of the claims will be as follows:

Claims allowed: _____
Claims objected to: _____
Claims rejected: _____

However;

☐ Applicant's response has overcome the following rejection(s): _____

4. ☒ The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because _____

See attached

5. ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.

☒ The proposed drawing correction ☒ has ☐ has not been approved by the examiner.

☐ Other

SAMIR AHMED
PRIMARY EXAMINER

Art Unit: 2623

1. Applicant's arguments filed have been fully considered but they are not persuasive with regard to claims 1, 8, 15, 19 and 26 for the following reasons:

As to claim 1, the Applicant alleges that “nothing in Funada teaches or suggests [,]” (page 3, line 18-page 4, line 4). The Examiner disagrees. Firstly, the color tone in Funada identifies particular kinds of originals such as securities, confidential patterns and the like (i.e., identification information), that cannot be copied based on that color tone (i.e., the color tone is related to copyright) which reads on that limitation as broadly claimed. Secondly, the Examiner cannot find in the claim language that the first identification information conveys information relating to copyright.

The Applicant alleges that “Both patents have to do with adding one mark [,]” (page 5, line 7-19). The Examiner disagrees. Funada teaches adding a particular pattern with yellow toner that is difficult to discriminate with human eye (one mark) upon detecting a color tone (different mark) on a document. The combination of the two references would be a system in which if the document is provided with a copyright mark not easily recognized with the eye that is provided by the Wen apparatus, a particular pattern that is difficult to discriminate with human eye is added to the document as taught by Funada. Funada is hiding the added particular pattern (the second information) because it is formed with yellow toner that is difficult to discriminate with human eye and the second information is added based upon the detection of the color tone (first information) as indicated above.



**SAMIR AHMED
PRIMARY EXAMINER**